

REMARKS

The present amendment and remarks are in response to the office action entered in the above identified case and mailed on October 6, 2003. Claims 1-30 are pending in the application. All have been rejected. Claims 1-5, 7, 9-15, 17, 19-25, 27, and 29-30 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,926,624 to Katz et al. in view of U.S. Patent No. 5,771,334 to Crawford et al. Claims 6, 8, 16, 18, 26 and 28 were also rejected under 35 U.S.C. §103 as being unpatentable over Katz et al., and Crawford et al., further in view of U.S. Patent No. 5,978,567 to Brebane. With the instant response Applicants have amended the independent claims to more clearly identify novel aspects of the invention and further distinguish the art of record. Applicants respectfully submit that all of the claims in their present form are now in condition for allowance.

Claim 1 now calls for, among other things, a content database, a customer file database and a delivery database. The library managing means manages the content library with the content database. Similarly, the customer file managing means manages customer files with the customer file database, and the delivery managing means manages delivery of content files with the delivery database. Independent claim 11 has been amended in a similar manner. These features are not taught or suggest in the cited prior art references either individually or in combination.

According to the outstanding office action Crawford et al. teach a customer file managing means at col. 8, lines 44-48, "where the file managing means manages the used state of the user area with a database." However, the cited passage teaches no such thing. Crawford et al. at col. 8, lines 44-48 states only that "the host may route information between users and/or physical or virtual devices (e.g., to permit multiple users to have shared access to a common database, or to move information from one computer to another. Note, this merely states that multiple users may access a common database. It does not teach or suggest a content database identifying content, it does not teach or suggest a customer file database, and it does not teach or suggest a delivery database. Nor does it teach or suggest a library managing means that manages a content library with a content database; a customer file managing means that manages a customer file storing means with a customer file database; and a delivery managing means for managing the

delivery database. Because the prior art does teach these elements of the base claims, claims 1 and 11 and all of the claims depending there from are now in condition for allowance.

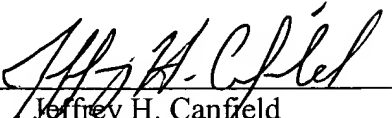
Independent claim 21 has also been amended. Claim 21 now calls for, among other things, the steps of scheduling content files to be registered to the library at a later time, and managing the content files to be registered later as well as the content files currently stored in the library. These steps are not taught or suggested in the prior art. The Examiner points to Brebane col. 4 lines 3-38 as teaching that a user can pre-order products, thus suggesting a library managing means that manages content files that are to be registered to the library later as well as content files currently stored in the library. However, this is not what the cited passage discloses. Brebane discloses a burst transmission method where larger files are broken down and transmitted in short bursts to the user terminal. Thus, supporting a "just-in-time" delivery methodology. Brebane also discloses a hub pre-ordering content files based on the user's previously made selections. Thus, Brebane tries to anticipate the user's next request and have the content on hand for speedy delivery when the user makes an anticipated selection. This does not teach suggest user initiated pre-ordering of content, or delayed uploading of new content files to the content library. Accordingly, claim 21 and the claims depending therefrom are not unpatentable over the combination of Katz, Crawford and Brebane.

For these reasons, Applicant respectfully submits that the claims as presently amended are all in condition for allowance. Applicant therefore requests that the Examiner allow the claims move the application to issue. However, if there are any remaining issues the Examiner is encourage to call Applicants' attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case.

If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 
Jeffrey H. Canfield
Reg. No. 38,404
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4233

Dated: January 6, 2003